

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CEMJ INVESTMENT, INC.  
*Plaintiff,*

v.

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY  
*Defendant.*

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Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant WESTCHESTER SURPLUS LINES INSURANCE COMPANY (“Defendant” or “Westchester”) files this Notice of Removal, and would respectfully show the Court the following:

**Introduction**

1. On November 27 2019 the Plaintiff, CEMJ INVESTMENT, INC (“Plaintiff”), filed a lawsuit against WESTCHESTER SURPLUS LINES INSURANCE COMPANY in Cause No. 201985285; *CEMJ INVESTMENT, INC. V. WESTCHESTER SURPLUS LINES INSURANCE COMPANY*; In the 165th Judicial District Court of Harris County, Texas. A copy of the Original Petition is attached as Exhibit 1. Service of process was made upon Westchester on December 3, 2019.

2. Westchester timely filed this Notice of Removal within the 30-day deadline required by 28 U.S.C. §1446(b).

**Bases for Removal**

3. Removal is proper based on diversity of citizenship. 28 U.S.C. 1332(a). In particular:

a. Plaintiff is a domestic Texas Corporation situated in Harris County, Texas.

b. Defendant Westchester is an insurance company incorporated in the State of Georgia, with its principal place of business in the State of Pennsylvania.

4. Plaintiff alleges in its Original Petition that it seeks monetary relief over \$200,000 but not more than \$1,000,000. Accordingly, the amount in controversy is in excess of the sum of \$75,000. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441(b).

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Harris County, Texas, the place where the removed action has been pending.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of the 165th Judicial District Court of Harris County, Texas and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of Exhibit 1 as described above, and the following additional filings, as required by Local Rule 81<sup>1</sup>:

Exhibit 2: Defendant's Original Answer;

Exhibit 3: The docket sheet;

Exhibit 4: An index of matters being filed; and

Exhibit 5: List of all counsel of record and parties represented.

### **Prayer**

Defendant, WESTCHESTER SURPLUS LINES INSURANCE COMPANY respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it is justly entitled.

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<sup>1</sup> Plaintiff has not yet returned the citation to the state court.

Respectfully submitted:

By: /s/ Stephen Pate

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**ATTORNEY FOR WESTCHESTER SURPLUS  
LINES INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

This certifies that, on December 20, 2019, a true copy of the foregoing was served on the following counsel of record via the Clerk's e-service system pursuant to the Texas Rules of Civil

Procedure:

Hunter M. Klein  
Green & Klein  
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Houston, Texas 77002  
[green@greentriallaw.com](mailto:green@greentriallaw.com)

/s/ Stephen Pate

Stephen Pate